

06-14-05

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CUSTOMER NUMBER 27792

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Parasnis et al. Attorney Docket No: MICR0190  
Serial No: 09/746,698 Group Art Unit: 2179  
Filed: December 21, 2000 Examiner: Adam M. Queler  
Title: PROCESS OF LOCALIZING OBJECTS IN MARKUP LANGUAGE  
DOCUMENTS

TRANSMITTAL OF PETITION TO REVIVE UNAVOIDABLY ABANDONED  
APPLICATION UNDER 37 CFR 1.137(a)/  
REQUEST FOR REFUND/  
REQUEST FOR EXTENSION OF TIME/  
REQUEST FOR CONTINUED EXAMINATION

Bellevue, Washington 98004

June 13, 2005

TO THE COMMISSIONER FOR PATENTS:

Attention: Office of Petitions  
Commissioner for Patents  
Box DAC  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on November 3, 2004, which set a 3-month shortened statutory period for response. The abandonment date of this application is February 3, 2005.

Applicant hereby petitions for revival of this application.

1. Petition Fee

The petition fee for reviving an unavoidably abandoned application of \$500 (large entity) is included herewith.

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2. Proposed Response and/or Fee

03 FC:1253

1020.00 OF

The proposed response and/or fee to the above-noted Office Action is enclosed in the form of:

- ☒ Request for Continued Examination  
☐ Preliminary Amendment  
☒ Request for Extension of time

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02-FC:1801

790.00 OF

1 3. Request for Extension of Time

2 A large entity 3-month Request for Extension of Time to extend the period for response to  
3 the Final Office Action dated November 3, 2004, effectively extending the period for response out to  
4 the six-month statutory period, to May 3, 2005, is hereby requested. The 3-month large entity  
5 extension of time fee of \$1020 is included herewith.

6 4. Fee Payment

7 Check No. 8289 in the amount of \$2310 for the \$500 petition fee, \$790 RCE fee,  
8 and \$1020 extension of time fee is enclosed.  
9

10 5. Additional Fee Charges or Credit for Overpayment

11 Please charge any additional fees or credit any overpayment to Deposit Account  
12 No. 01-1940. A copy of this sheet is enclosed.

13 Respectfully submitted,

14 

15 Ronald M. Anderson  
16 Registration No. 28,829  
17

18 EXPRESS MAIL CERTIFICATE

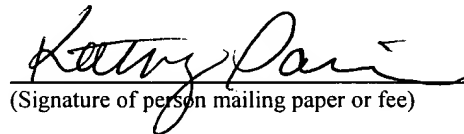
19 Express Mail Label No. EV651959416US

Date of Deposit: June 13, 2005

20 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee"  
21 service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia  
22 22313-1450.

23 Kathy Paulino

(Name of person mailing paper/fee)

24 

(Signature of person mailing paper or fee)



CUSTOMER NUMBER 27792

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PETITION TO REVIVE UNAVOIDABLY ABANDONED  
APPLICATION UNDER 37 CFR 1.137(a)/  
REQUEST FOR REFUND

Bellevue, Washington 98004

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**Petition to Revive**

A Notice of Abandonment regarding the above-identified application, dated May 26, 2005, was received by the undersigned's law firm on June 01, 2005. This Notice indicates that the above-identified application was abandoned because of applicants' failure to timely file a proper reply to the Final Office letter mailed on November 3, 2004. Applicants hereby petition to revive this application, because it was unavoidably abandoned through no fault of applicants, as will be evident from the facts set forth in the following Procedural History for this case.

**Procedural History**

Responsive to the Office Action dated November 3, 2004, in a timely manner, applicants filed an Amendment Transmittal Letter and an Amendment & Request for Reconsideration of this application on January 03, 2005 (the two-month date for response to a Final Office Action). The first indication that applicants received indicating that the United States Patent and Trademark Office (USPTO) did not enter the timely filed Amendment & Request for Reconsideration into the

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500.00 OP

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MICR0190-1-110190 Petition to Revive.doc

LAW OFFICES OF RONALD M. ANDERSON  
600 - 108th Avenue N.E., Suite 507  
Bellevue, Washington 98004  
Telephone: (425) 688-8816 Fax: (425) 646-6314

1 file for this case was on May 6, 2005. Examiner Adam Queler called on that date to enquire whether  
2 applicants had intended to abandon the above-identified application. The undersigned attorney  
3 advised the Examiner of our timely filing and noted that our file included a return receipt post card  
4 showing that the USPTO had received the Amendment Transmittal Letter and Amendment &  
5 Request for Reconsideration on January 06, 2005. Examiner Queler indicated that he would discuss  
6 the case with his Supervisor (it was now three days beyond the six months since the Final Office  
7 Action was mailed) and would call applicants' attorney to advise how the application would be  
8 handled. He did agree that a copy of the response previously submitted on January 3, 2005 and a  
9 copy of the return receipt postcard that this firm received from the USPTO for that response should  
10 be faxed to him. Accordingly, on that same day, a facsimile copy of the postcard, the Amendment  
11 Transmittal Letter, and previously submitted Amendment & Request for Reconsideration were  
12 transmitted to the USPTO.

13 Next, an Advisory Action, dated May 19, 2005, was received by applicants' attorney on  
14 May 25, 2005. The Advisory Action included an indication that the reply filed on January 03, 2005,  
15 failed to place the above-identified application in condition for allowance, and noted that the  
16 proposed amendments would not be entered because they raise new issues that would require further  
17 consideration and/or search, and that the period for reply expired on the later of the mailing date of  
18 the Advisory action or the date set forth in the final rejection.

#### 19 **Application Abandoned Through No Fault of Applicants**

20 In summary, applicants believe that they are clearly not responsible for the abandonment of  
21 this patent application. Through no fault of applicants, the Amendment and Request for  
22 Reconsideration filed on January 03, 2005 (two months after the Final Office Action was mailed),  
23 was apparently misplaced or lost after its arrival at the USPTO. As a result of the failure of the  
24 USPTO to scan the response so that it would be timely brought to the attention of Examiner Queler,  
25 the response did not reach him until after the six month period to respond had expired, so that he had  
26 no option but to view the application as abandoned.

27 Had the Amendment Transmittal Letter and Amendment & Request for Reconsideration  
28 not been lost or misplaced by the USPTO, applicants would have received the Advisory Action with  
29 plenty of time available during the statutory six-month period to timely file a Request for  
30 Continued Examination with a Preliminary Amendment being submitted concurrently

1 therewith. Thus, the case would not have been abandoned, but for the loss of the response by the  
2 USPTO.

3 Therefore, applicants hereby petition under 37 C.F.R. § 1.137(a) for revival of the above-  
4 identified application as being unavoidably abandoned, through no fault or inadvertence of  
5 applicants or applicants' attorney. Pursuant to 37 C.F.R. § 1.137 (a)(1) – 1.137(a)(4), a grantable  
6 petition satisfies the requirements of this statute, if it includes:

- 7 • A reply to the outstanding Office action
- 8 • The petition fee
- 9 • A showing to the satisfaction of the Director, and
- 10 • A terminal disclaimer, if necessary.

11 The response to the outstanding Final Office Action has already been submitted by facsimile  
12 transmission, along with a copy of the returned receipt postcard showing that the USPTO received  
13 the response on January 06, 2005. Since the Examiner subsequently issued an Advisory Action as  
14 noted above, applicants hereby submit a Request for Continued Examination (RCE) and a  
15 Preliminary Amendment with the appropriate fee, as a further reply to the Final Office Action. The  
16 petition fee is also included. A terminal disclaimer is not necessary because the above-identified  
17 application is a utility application filed after June 8, 1995. Applicants further submit that the copy of  
18 the January 3, 2005 response and the postcard that was transmitted in the facsimile to the USPTO on  
19 May 6, 2005, showing that applicants did timely file a response on January 3, 2005, and the facts as  
20 stated above, should constitute a showing to the satisfaction of the Director that the entire delay in  
21 filing the required reply from the due date for the reply until the filing of a grantable petition  
22 pursuant to this paragraph was unavoidable.

### 23 **Request for Refund**

24 Applicants further request that both this petition fee and the Extension of Time Fee be  
25 refunded to the Deposit Account indicated below, since the need to file the petition and request the  
26 extension of time occurred through no fault of applicants.

### 27 **Fee Submission**

#### 28 **1. Petition Fee**

29 The petition fee for reviving an unavoidably abandoned application of \$500 for a large entity  
30 is included herewith.

2. Proposed Response and/or Fee

Applicants are filing concurrently herewith a Request for Continued Examination, and the required fee of \$790 is included herewith.

3. Extension of Time to Respond and Fee

Applicants hereby request that the shortened statutory time to file a response to the Final Office Action be extended by three months, to expire May 3, 2005, and the required large entity fee of \$1020 is included herewith.

4. Additional Fee Charges or Credit for Overpayment

Please charge any additional fees or credit any overpayment to Deposit Account No. 01-1940.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,



Ronald M. Anderson  
Registration No. 28,829

EXPRESS MAIL CERTIFICATE

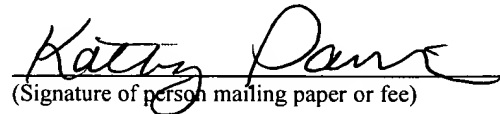
Express Mail Label No. EV651959416US

Date of Deposit: June 13, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, Virginia 22313-1450.

Kathy Paulino

(Name of person mailing paper/fee)



(Signature of person mailing paper or fee)